

DEQ RETURNS CLEAN AIR VISIBILITY PROGRAM TO EPA

Helena -- The Department of Environmental Quality (DEQ) has announced that due to EPA's stagnant and uncertain financial support it will return the administration of the Clean Air Visibility Rule to the federal government. Agency director Richard Oppen said in a memo the agency is being forced to take this action.

"The regulatory demands imposed on states by the federal government over the past decade have made it impossible for Montana to fulfill a federal requirement to develop a plan for protecting visibility in national parks and wilderness areas in Montana by December 2007," Oppen said. "I must pull staff previously assigned to protecting visibility in national parks and wilderness areas and reassign them to regulatory programs aimed directly at protecting public health."

"The increasing number and complexity of federal air quality program requirements, coupled with stagnant federal financial support, has finally forced the Department to evaluate declining resources and prioritize programs accordingly," Oppen said.

Under the regional haze rule adopted by the EPA, states must develop implementation plans that contain enforceable measures and strategies for reducing visibility-impairing pollution in 156 designated natural areas by December 2007. These plans would require certain facilities to install the best emission controls available as part of state strategies for meeting the regional haze rule. This requirement, known as the best available retrofit technology or BART applies to facilities built between 1962 and 1977 that have the potential to emit more than 250 tons a year of visibility-impairing pollution.

"This is a very regrettable situation. The trend of increasing air quality program requirements and stagnant funding is not sustainable. Something has to give, and it is simply time for the states, including Montana, to 'Just Say No' to the feds," Oppen said. "The lack of adequate program resources has left us no choice but to return administration of the Clean Air Visibility Rule to EPA." Oppen added, "I will continue to reassess this position in relation to current and future federal regulatory requirements, program funding assistance, and available Department resources."